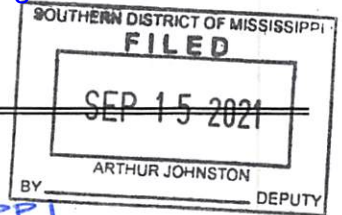


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241



UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF MISSISSIPPI

AHMED SALA ALI BURALE  
REG. NO. 77996-083  
v.

WARDEN VEREEN  
Respondent  
(name of warden or authorized person having custody of petitioner)  
(FCC-YAZOO CITY MEDIUM)

HONORABLE JUDGE PRESIDING

Case No. 3:21cv592-DPJ-FKB  
(Supplied by Clerk of Court)  
(U.S.D.Ct. No. 2:11-CR-3413)  
(EASTERN DISTRICT OF VIRGINIA)  
(NORFOLK DIVISION)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: AHMED SALA ALI BURALE
- (b) Other names you have used: N/A
2. Place of confinement:
  - (a) Name of institution: FCC-YAZOO CITY MEDIUM
  - (b) Address: # 77996-083 P.O. Box 5000  
YAZOO CITY, MS 39194-5000
  - (c) Your identification number: Reg. No. 77996-083
3. Are you currently being held on orders by:
 

☒ Federal authorities
 ☐ State authorities
 ☐ Other - explain:
4. Are you currently:
 

☐ A pretrial detainee (waiting for trial on criminal charges)
 ☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you: U.S. District Court /  
EASTERN DISTRICT OF VIRGINIA / NORFOLK DIVISION
  - (b) Docket number of criminal case: 2:11-CR-34-13
  - (c) Date of sentencing: October 4, 2011

☐ Being held on an immigration charge
 ☐ Other (explain):

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:
 

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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☐ Pretrial detention☐ Immigration detention☐ Detainer☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☒ Other (explain):

ACTUAL INNOCENCE - LACK OF JURISDICTION

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

U.S. DISTRICT COURT - EASTERN DISTRICT OF VIRGINIA - NORFOLK DIVISION

(b) Docket number, case number, or opinion number:

2:11-cr-34-13

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

ORIGINAL LIFE SENTENCE - RESENTENCED TO 35 YEARS  
ACTUAL INNOCENCE - LACK OF JURISDICTION

(d) Date of the decision or action:

ORIGINAL SENTENCING DATE - 10/4/2011  
NEW SENTENCING DATE - 10/24/2014

## Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

FOURTH CIRCUIT COURT OF APPEALS

(2) Date of filing:

2012

(3) Docket number, case number, or opinion number:

(4) Result:

COURT ORDER MODIFYING SENTENCE

(5) Date of result:

2014

(6) Issues raised:

UNCONSTITUTIONAL SENTENCE

(b) If you answered "No," explain why you did not appeal:

N/A

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes☒ No



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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

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If "Yes," provide:

(1) Name of court: N/A

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

Actual Innocence claim / Lack of Jurisdiction  
Issues are not raised on 28 U.S.C. § 2255  
generally —

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: \_\_\_\_\_

(b) Date of the removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: N/A

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: N/A

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: N/A12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: N/A

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: N/A

### Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

#### GROUND ONE:

ACTUAL INNOCENCE OF CONVICTION AND SENTENCE  
UNDER 18 U.S.C. § 1651 - TERRITORIAL / LACK OF  
JURISDICTION  
McQUIGAN v. PERKINS, 133 S.Ct. 1924, 1931 (2013)

(a) Supporting facts (Be brief. Do not cite cases or law.):

(SEE ATTACHED MEMORANDUM OF LAW AND POINTS  
 OF AUTHORITIES)

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

#### GROUND TWO:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

#### GROUND THREE:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No



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**GROUND FOUR:**

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

UNDER THE LAW - PETITIONER'S ENGLISH SPEAKING AND WRITING SKILLS ARE VALID INCOMPETENCY - ACTUAL INNOCENCE CLAIMS EXCUSES ANY PROCEDURAL DEFAULTS AND ANY JURISDICTIONAL CHALLENGES -

**Request for Relief**

15. State exactly what you want the court to do:

VACATE PETITIONER'S SENTENCE AND CONVICTION UNDER 18 U.S.C. § 3651 AND ORDER FOR IMMEDIATE RELEASE

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

9/1/2021

AHMED Buraie

*Signature of Petitioner*

AHMED Buraie

*Signature of Attorney or other authorized person, if any*

*in pro per / Affiant*

AHMED SALA ALI BURALE